

FILED
JAMES BONINI
CLERK

04 APR 22 PM 2: 54

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

MARGARET ALLEN

Plaintiff

-vs-

UNUM INSURANCE

Defendant

* **CASE NO. C-1-02-412**

* **Judge Weber**

* **Magistrate Sherman**

*

*

NOTICE OF APPEAL

Now comes Plaintiff, MARGARET ALLEN, by and through the undersigned counsel, and hereby appeals from the March 25, 2004 judgment herein to the Sixth Circuit Court of Appeals. A copy of said judgment is attached herewith as exhibit "A".

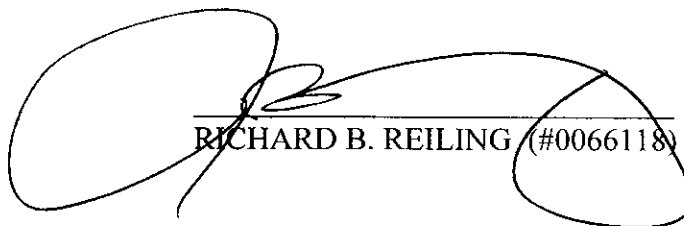
Respectfully submitted:



RICHARD B. REILING (#0066118)
111 West First St., Suite 1000
Dayton, OH 45402
(937) 222-1148

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Plaintiff's Objection has been served upon Bret K. Bacon and Michael J. Holleran, counsel for Defendant, at 55 Public Square Bldg., 19th Floor, Cleveland, OH 44113, by First Class U.S. Mail, postage prepaid, this 21st day of April, 2004.



RICHARD B. REILING (#0066118)

Other Orders/Judgments

1:02-cv-00412-HJW-TSH Allen v. Unum Insurance Co Of

U.S. District Court

Southern District of Ohio

Notice of Electronic Filing

The following transaction was received from do, entered on 3/25/2004 at 1:19 PM EST and filed on 3/25/2004

Case Name: Allen v. Unum Insurance Co Of

Case Number: 1:02-cv-412

Filer:

Document Number: 33

Docket Text:

ORDER ADOPTING REPORT AND RECOMMENDATION. Defendant's Motion for Judgment on the Administrative Record is Granted. This case is Dismissed and Terminated on the docket of this Court. Signed by Judge Herman J. Weber on 3/25/04. (do,)

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1040326259 [Date=3/25/2004] [FileNumber=205837-0]
[7fe8853b18fd0eee79a115341d7f95fcd9e48e67b7df66743b4c9c1e6f34607a384f
8e85b91fcefc6c6c70a7e513d7ac95870934dc93b0ac61e819c4095757fa5]]

1:02-cv-412 Notice will be electronically mailed to:

Brett K Bacon bbacon@frantzward.com, dlbeatrice@frantzward.com,tpodsiadlo@frantzward.com

1:02-cv-412 Notice will not be electronically mailed to:

Richard B Reiling
Walsh & Reiling
111 W First Street
Suite 1000
Dayton, OH 45402

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MARGARET ALLEN,

Plaintiff

v.

C-1-02-412

UNUM LIFE INSURANCE COMPANY
OF AMERICA,

Defendant

ORDER

This matter is before the Court upon the Report and Recommendation of the United States Magistrate Judge (doc. no. 27) and plaintiff's objections thereto (doc. no. 28). On October 28, 2003, the Court granted plaintiff's request to file supplemental objections (doc. no. 31). No supplemental objections have been filed. The Magistrate Judge recommended that defendant's Motion for Judgment on the Administrative Record (doc. no. 11) be granted and this case be terminated on the docket of this Court.

Plaintiff objects to the Judge's Report and Recommendation on the grounds that his findings are contrary to law and unsupported by the administrative record.

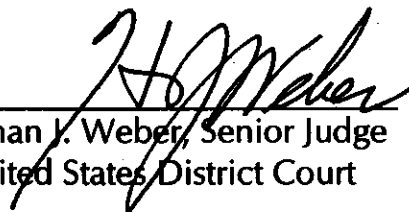
Upon a *de novo* review of the record, especially in light of plaintiff's objections, the Court finds that plaintiff's objections have either been adequately addressed and properly disposed of by the Judge or present no particularized

arguments that warrant specific responses by this Court. The Court finds that the Magistrate Judge has accurately set forth the controlling principles of law and properly applied them to the particular facts of this case and agrees with the Judge.

Accordingly, the Court hereby **ADOPTS AND INCORPORATES HEREIN BY REFERENCE** the Report and Recommendation of the United States Magistrate Judge (doc. no. 27). Defendant's Motion for Judgment on the Administrative Record (doc. no. 11) is **GRANTED**.

This case is **DISMISSED AND TERMINATED** on the docket of this Court.

IT IS SO ORDERED.


Herman J. Weber, Senior Judge
United States District Court

J:\DOCUMENT\PRISONER\02-412.wpd

Other Orders/Judgments

1:02-cv-00412-HJW-TSH Allen v. Unum Insurance Co Of

U.S. District Court

Southern District of Ohio

Notice of Electronic Filing

The following transaction was received from do, entered on 3/25/2004 at 1:21 PM EST and filed on 3/25/2004

Case Name: Allen v. Unum Insurance Co Of

Case Number: 1:02-cv-412

Filer:

Document Number: 34

Docket Text:

CLERK'S JUDGMENT in favor of Defendant against Plaintiff. (do,)

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP dcecfStamp_ID=1040326259 [Date=3/25/2004] [FileNumber=205848-0]
[1da4cbca1a2629b0a4872f38063cfd16e835de9b940f43e565aa1fdf2981960e3cf3
cb06a7e9518cb43b5f77f7aa2d6b6696390288f48d6cad5d60d9cc34dd46]]

1:02-cv-412 Notice will be electronically mailed to:

Brett K Bacon bbacon@frantzward.com, dlbeatrice@frantzward.com;tpodsiadlo@frantzward.com

1:02-cv-412 Notice will not be electronically mailed to:

Richard B Reiling
Walsh & Reiling
111 W First Street
Suite 1000
Dayton, OH 45402

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

MARGARET ALLEN,

Plaintiff,

-vs-

Case No. C-1-02-412

UNUM LIFE INSURANCE CO. OF AMERICA,

Defendants.

JUDGMENT IN A CIVIL CASE

Jury Verdict.

This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

X

Decision by Court.

This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

The Report and Recommendation is Adopted. Defendant's Motion for Judgment on the Administrative Record is Granted. This case is Terminated on the docket of this Court.

Date: March 25, 2004

JAMES BONINI., CLERK

By:s/ Darlene Maury

Darlene Maury, Deputy Clerk